

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

KALTHIA GROUP HOTELS, INC. and
MANAS HOSPITALITY LLC d/b/a
HOLIDAY INN EXPRESS SACRAMENTO,
a Single and/or Joint Employer

Respondent

)
)
)
)
) No. 18-72038
)
)
) Board Case Nos.
) 20-CA-176248, et al.
)
)
)

**UNOPPOSED JOINT MOTION FOR ENTRY OF A CONSENT
JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD**

To the Honorable, the Judges of the United States
Court of Appeals for the Ninth Circuit:

The National Labor Relations Board and Kalthia Group Hotels, Inc. and
Manas Hospitality LLC d/b/a Holiday Inn Express Sacramento (“the Company”),
respectfully move this Court for entry of a consent judgment enforcing the Board’s
order against the Company.¹ In support, they show as follows:

1. The Board issued a Decision and Order against the Company,
reported at 366 NLRB No. 118 (June 25, 2018).

¹ The Board found, on the parties’ stipulation, that Kalthia Group Hotels, Inc. and
Manas Hospitality LLC d/b/a Holiday Inn Express Sacramento are a single
employer. 366 NLRB No. 118, 2018 WL 3135480 at *6.

2. The Board filed an application for enforcement of the Board's Order (Case No. 18-72038).

3. The Company has completed most of the affirmative actions that are included in the Board's Order.

4. As part of a resolution of the case, the parties have agreed to entry of a consent judgment, which will obviate the need for any further proceedings in this matter.

5. Each party is to bear its own costs.

6. Counsel for the Company has authorized counsel for the Board to file this motion on its behalf.

WHEREFORE, the Board and the Company respectfully request that the Court enter a consent judgment enforcing the Board's Order in full. A copy of the proposed consent judgment is attached.

Respectfully submitted,

/s/ Nathan R. Niemuth
Nathan R. Niemuth
Ryley, Carlock and Applewhite
One North Central Avenue, Suite 1200
Phoenix, AZ 85004-4417

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570

Dated at Washington, DC
this 5th day of September, 2018

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

KALTHIA GROUP HOTELS, INC. and MANAS
HOSPITALITY LLC d/b/a HOLIDAY INN EXPRESS
SACRAMENTO, a Single and/or Joint Employer

Respondent

)
)
)
) No. 18-72038
)
)
)

) Board Case Nos.
) 20-CA-176248, et al.
)
)
)

CONSENT JUDGMENT

THIS CAUSE came to be heard upon an application of the National Labor Relations Board to enforce the Board's Order against Kalthia Group Hotels, Inc. and Manas Hospitality LLC d/b/a Holiday Inn Express Sacramento, in Board Case Nos. 20-CA-176428, 20-CA-178861, and 20-CA-182449, dated June 25, 2018, reported at 366 NLRB No. 118; and the parties having advised this Court of their desire to dispose of this matter by entry of a consent judgment enforcing the Board's Order;

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the said Order of the National Labor Relations Board is hereby enforced and that Kalthia Group Hotels, Inc. and Manas Hospitality LLC d/b/a Holiday Inn Express Sacramento, a single employer, its officers, agents, successors, and assigns, shall abide by and perform the directions of the Board set forth in its Order. (See attached Order and Appendix.)

Judge, United States Court of Appeals
for the Ninth Circuit

Judge, United States Court of Appeals
for the Ninth Circuit

Judge, United States Court of Appeals
for the Ninth Circuit

NATIONAL LABOR RELATIONS BOARD

v.

KALTHIA GROUP HOTELS, INC. and MANAS HOSPITALITY LLC d/b/a
HOLIDAY INN EXPRESS SACRAMENTO, a Single Employer

ORDER

The National Labor Relations Board orders that the Respondent, Kalthia Group Hotels, Inc., and Manas Hospitality LLC d/b/a Holiday Inn Express Sacramento, a single employer, Sacramento, California, their officers, agents, successors, and assigns, shall

1. Cease and desist from

- (a) Instructing employees to sign a petition, or any other document, to decertify the Union.
- (b) Threatening employees with discharge if they do not sign a petition, or any other document, to decertify the Union.
- (c) Instructing employees not to sign any documents given to them by the Union.
- (d) Instructing employees not to go with their coworkers if they are invited to join the Union.
- (e) Instructing employees not to join the Union or not to talk to union representatives.
- (f) Purposely misleading employees about the benefits received from union dues deductions in order to dissuade them from supporting the Union.
- (g) Coercively interrogating employees about their union membership, activities, sympathies, and/or support, including by asking employees why they cancelled their signatures from a petition to decertify the Union.
- (h) Failing and refusing to bargain in good faith with the Union as the exclusive collective-bargaining representative of the employees in the bargaining unit.
- (i) In any like or related manner interfering with, restraining, or coercing employees in the exercise of their rights under Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

- (a) On request, bargain with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

All employees employed by Respondent at the Holiday Inn Express, located between 15th & 16th Streets and G & H Streets, in Sacramento, California, performing the work covered by the collective-bargaining agreement between the Union and Hospitality Sacramento L.P., effective June 1, 2006 to December 31, 2009.

- (b) Within 14 days after service by the Region, post at the Holiday Inn Express Sacramento, copies of the attached notice marked "Appendix" in English, Spanish, and Hindi. Copies of the notice, on forms provided by the Regional Director for Region 20, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at the closed facilities any time since March 3, 2016.
- (c) Mail a copy of the notice to the last known addresses of Suhad Salman, Sylvia Arteaga Figueroa, and Vanessa Abel.
- (d) Within 14 days after service by the Region, hold a meeting or meetings, which shall be scheduled to ensure the widest possible attendance of unit employees, at which time the attached notice marked "Appendix" is to be publicly read by a responsible management official in the presence of a Board agent and an agent of the Union if the Region or the Union so desires, or, at the Respondent's option, by a Board agent in the presence

of a responsible management official and, if the Union so desires, the presence of an agent of the Union. In either case, the Respondent shall make translation available for Spanish and Hindi-speaking employees.

- (e) Within 21 days after service by the Region, file with the Regional Director for Region 20 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board had found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities

WE WILL NOT instruct you to sign a petition, or any other document, to decertify UNITE HERE! Local 49 (the Union).

WE WILL NOT threaten you with discharge if you do not sign a petition, or any other document, to decertify the Union.

WE WILL NOT instruct you not to sign any documents given to you by the Union.

WE WILL NOT instruct you not to go with your coworkers if you are invited to join the Union.

WE WILL NOT instruct you not to join the Union or not to talk to union representatives.

WE WILL NOT purposely mislead you about the benefits received from union dues deductions in order to dissuade you from supporting the Union.

WE WILL NOT coercively interrogate you about your union membership, activities, sympathies, and/or support, including by asking you why you cancelled your signatures from a petition to decertify the Union.

WE WILL NOT fail and refuse to bargain in good faith with the Union as the exclusive collective-bargaining representative of the employees in the bargaining unit.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, on request, bargain with the Union as the exclusive collective-bargaining representative of our employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

All employees employed by Respondent at the Holiday Inn Express, located between 15th & 16th Streets and G & H Streets, in Sacramento, California, performing the work covered by the collective-bargaining agreement between the Union and Hospitality Sacramento L.P., effective June 1, 2006 to December 31, 2009.

**KALTHIA GROUP HOTELS, INC. AND MANAS HOSPITALITY LLC
D/B/A HOLIDAY INN EXPRESS SACRAMENTO**

The Board's decision can be found at www.nlr.gov/case/20-CA-176428 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

KALTHIA GROUP HOTELS, INC. and
MANAS HOSPITALITY LLC d/b/a
HOLIDAY INN EXPRESS SACRAMENTO,
a Single and/or Joint Employer

Respondent

)
)
)
)
) No. 18-72038
)
)

)
) Board Case Nos.
) 20-CA-176248, et al.
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2018, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

1015 Half Street, SE

Washington, DC 20570

(202) 273-2960

Dated at Washington, D.C.
this 5th day of September, 2018

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

KALTHIA GROUP HOTELS, INC. and MANAS
HOSPITALITY LLC d/b/a HOLIDAY INN EXPRESS
SACRAMENTO, a Single and/or Joint Employer

Respondent

)
)
)
) No. 18-72038
)
)
)

) Board Case Nos.
) 20-CA-176248, et al.
)
)
)

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 27(d)(2), the Board certifies that this motion contains 338 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2010.

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

1015 Half Street, SE

Washington, DC 20570

(202) 273-2960

Dated at Washington, D.C.

This 5th day of September, 2018